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OFFICE OF PETITIONS

In re Application of	:
John F. Acres	:
Application No. 09/694,065	: DECISION GRANTING PETITION
Filed: October 19, 2000	: UNDER 37 CFR 1.137(b)
Attorney Docket No. 4164-158	:

This is a decision on the petition under 37 CFR 1.137(b), filed July 22, 2004, to revive the above-identified application.

The petition is **GRANTED**.

This application was held abandoned for failure to timely file a proper Appeal Brief as provided by the Office action mailed September 24, 2003, which set a 3 month extendible period for reply. A proper Appeal Brief not having been filed, the date of abandonment of this application is December 25, 2003.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of a "Supplemental Appeal Brief under 37 CFR §1.192 and § 1.193(b)(2)(ii); (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply is accepted as having been unintentionally delayed.

The filing of a petition to revive may be granted if the submission appears to be a *bona fide* attempt to provide a complete reply to the last Office action. After revival of the application, the examiner may, upon a more detailed review, determine that the reply is lacking in some respect. In this limited situation, the examiner should send out a letter giving a 1-month shortened statutory period under 37 CFR 1.135(c) for correction of the error or omission. Extensions of time under 37 CFR 1.136(a) are permitted. If the applicant does not correct

the omission within the time period set in the letter (including any extension), the application will again be regarded as abandoned.

Telephone inquiries concerning this decision should be directed to the undersigned at (703) 305-8680.

The application file is being forwarded to Technology Center AU 3714 for appropriate action as the nature of the case may require.

*Frances Hicks*

Frances Hicks

Petitions Examiner  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy